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24 Attorneys for specially-appearing defendant  
25 Agua Caliente Band of Cahuilla Indians

26 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
27 **COUNTY OF SACRAMENTO**

28 FAIR POLITICAL PRACTICES )  
COMMISSION, a state agency, )

Plaintiff, )

vs. )

AGUA CALIENTE BAND OF )  
CAHUILLA INDIANS, a federally- )  
recognized Indian tribe; and DOES )  
I-XX, )

Defendants. )

Civil case no. 02AS04545

NOTICE OF MOTION AND MOTION  
OF SPECIALLY-APPEARING  
DEFENDANT AGUA CALIENTE  
BAND OF CAHUILLA INDIANS TO  
QUASH SERVICE FOR LACK OF  
PERSONAL JURISDICTION

[C.C.P. §418.10]

Hearing: December 4, 2002  
2:00 p.m.  
Dept. 53

1  
2  
3 TO STEVEN BENITO RUSSO, ESQ., LUISA MENCHACA, ESQ., WILLIAM L.  
4 WILLIAMS, JR., AND HOLLY B. ARMSTRONG, ESQ., COUNSEL OF RECORD FOR  
5 PLAINTIFF FAIR POLITICAL PRACTICES COMMISSION:  
6

7 PLEASE TAKE NOTICE THAT, at 2:00 p.m.. or as soon thereafter as counsel may be  
8 heard, on December 4, 2002, in Department 53 of this Court, at the Sacramento County  
9 Courthouse, 720 Ninth Street, Sacramento, CA, the undersigned counsel for the specially-  
10 appearing defendant the Agua Caliente Band of Cahuilla Indians will move the Court, pursuant  
11 to C.C.P. §418.10, for an order quashing service of the summons on this specially-appearing  
12 defendant. The ground for this motion is that the Court lacks personal jurisdiction over this  
13 specially-appearing defendant, which is a federally-recognized Indian tribe possessing sovereign  
14 immunity from unconsented suit, and that the said specially appearing defendant has not  
15 expressly and unequivocally waived the said immunity; nor has plaintiff even alleged any such  
16 waiver.  
17  
18

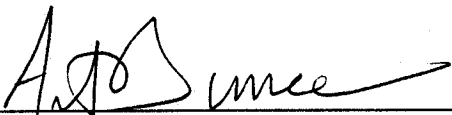
19  
20 This motion is based on this notice of motion, the accompanying memorandum of points  
21 and authorities in support of this motion, the accompanying request for judicial notice and the  
22 documents incorporated therein, all the records, files, and papers on file or to be filed regarding  
23 this motion, and on such other and further evidence, both oral and documentary, as may be  
24 adduced at or prior to the hearing on this motion.  
25

26  
27 By making this motion pursuant to C.C.P. §418,10, this specially-appearing defendant  
28 does not waive or imply that it waives or otherwise limits any of its other available responses,

1 such as challenging the Court's subject matter jurisdiction to hear this case, or that this Court is  
2 the proper venue for this action, or any defense on the merits.  
3

4  
5 Pursuant to Local Rule 3.04, the Court will make a tentative ruling on the merits of this  
6 matter by 2:00 p.m., the court day before the hearing. To receive the tentative ruling, call the  
7 department in which the matter is to be heard at 916-448-8239 (Department 53) or 916-448-8234  
8 (Department 54). If you do not call the Court and the opposing party by 4:00 p.m. the court day  
9 before the hearing, no hearing will be held.  
10

11  
12 Dated: November 1, 2002



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Kathryn Clenney  
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Attorneys for specially-appearing defendant  
Agua Caliente Band of Cahuilla Indians

*Fair Political Practices Commission v. Agua Caliente Band of Cahuilla Indians, et al,*  
Case No. 02AS04545

**Proof of Service**

I am employed in the City of Escondido and County of San Diego, California. I am over the age of 18 years and not a party to the within action. My business address is Law Offices of Art Bunce, 430 North Cedar St., Suite H, Escondido, CA 92025.

On November 6, 2002 I served the attached

Notice of Motion and Motion of Specially-Appearing Defendant  
Agua Caliente Band of Cahuilla Indians to Quash Service for  
Lack of Personal Jurisdiction

on the party(ies) in this action by placing a true copy thereof in the sealed envelope(s), addressed as follows:

Steven Benito Russo, Esq.  
Luisa Menchaca, Esq.  
William L. Williams, Jr., Esq.  
Holly B. Armstrong, Esq.  
Fair Political Practices Commission  
428 J Street, Suite 620  
Sacramento, CA 95814



(BY MAIL) I placed such sealed envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing at The Law Offices of Art Bunce, Escondido, California, following ordinary business practices. I am familiar with the practice of the Law Offices of Art Bunce for collection and processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for collection.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Escondido, California on November 6, 2002.

Sue C. Calvert  
Sue C. Calvert